

A-2028
Tree Removal Appeal

Removal of one 16.0-inch diameter Holly tree
located in the west (rear) yard of the property.

Mr. & Mrs. John Campanella
5910 Cedar Parkway

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 18th day of March, 2013 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-2028
MR. & MRS. JOHN CAMPANELLA
5910 CEDAR PARKWAY
CHEVY CHASE, MARYLAND 20815**

The applicants have filed an appeal pursuant to Section 17-4 (b) of the Chevy Chase Village Urban Forest Code to remove one 16.0-inch diameter Holly tree located in the west (rear) yard.

The Chevy Chase Village Code § 17-4 (b) states:

The Board of Managers shall have the authority to permit the removal or destruction of a tree or the undertaking of any action that will substantially impair the health or growth of a tree if, after a public hearing, the Board finds that such removal, destruction or other action will not adversely affect the public health, safety or welfare, nor the reasonable use of adjoining properties and can be permitted without substantial impairment of the purpose and intent of this chapter.

Additionally, § 17-4 (c) Appeal procedures states:

If the applicant and Tree Ordinance Board do not reach agreement on removal and a reforestation plan within 30 days after filing of the appeal, or such longer period to which the applicant and Tree Ordinance Board agree, the applicant shall either withdraw the application or request that the matter be heard by the Board of Managers in accordance with sub-sections (d) through (h) of this Section 17-4.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.


This notice was mailed to abutting property owners on the 7th day of March, 2013.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

MAILING LIST FOR APPEAL A-2028

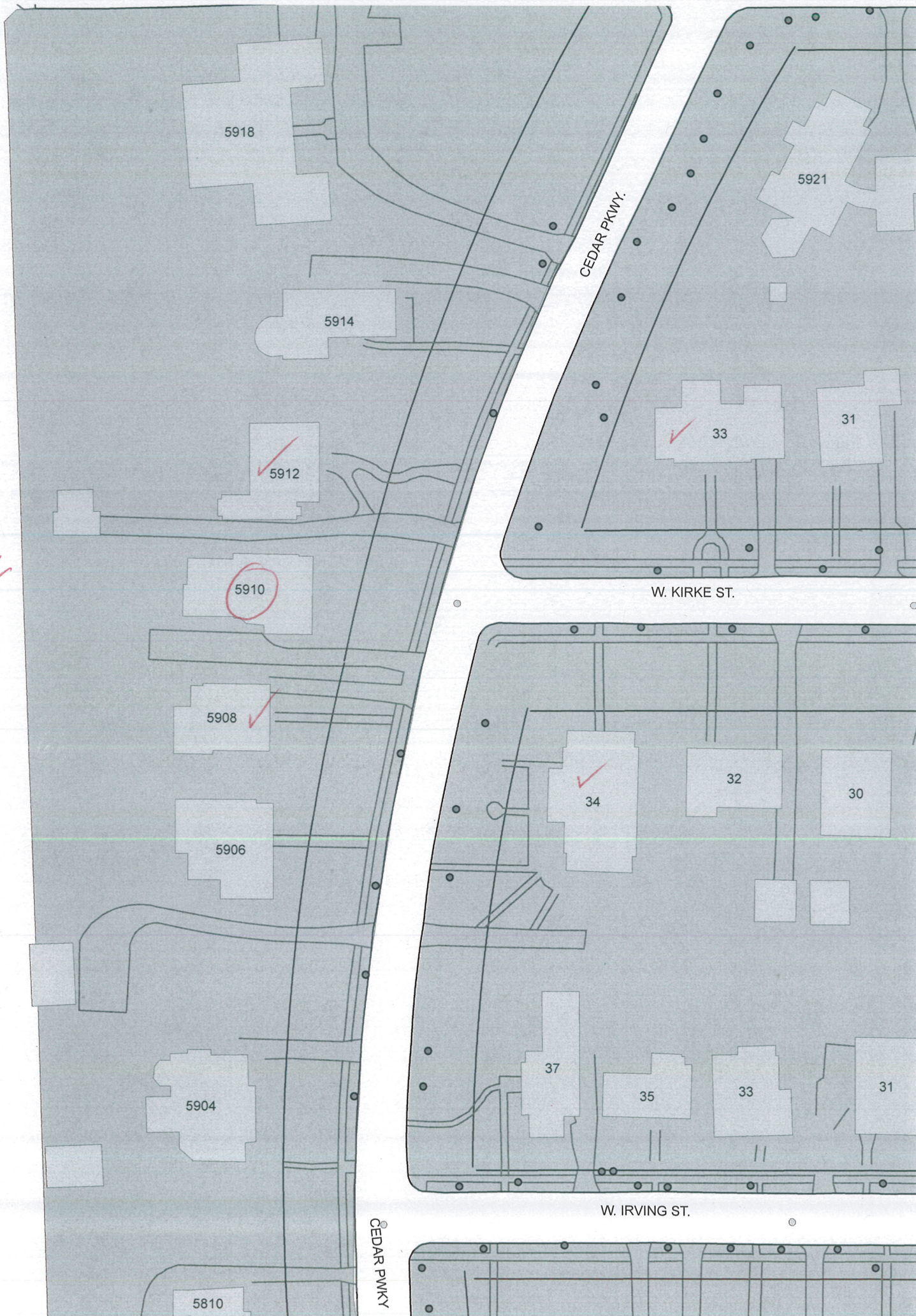
MR. & MRS. JOHN CAMPANELLA
5910 CEDAR PARKWAY
CHEVY CHASE, MD 20815

Adjoining and confronting property owners	
Mr. William West Or Current Resident 5912 Cedar Parkway Chevy Chase, MD 20815	Ms. Clare M. Gilliam Or Current Resident 5908 Cedar Parkway Chevy Chase, MD 20815
Mr. & Mrs. Charles A. Hobbs Or Current Resident 33 West Kirke Street Chevy Chase, MD 20815	Mr. & Mrs. Mark H. Eig Or Current Resident 34 West Kirke Street Chevy Chase, MD 20815
Chevy Chase Club Or Current Occupant 6100 Connecticut Avenue Chevy Chase, MD 20815	


I hereby certify that a public notice was mailed to the aforementioned property owners on the 7th day of March, 2013.

Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815

ccc



CEDAR PKWY



March 7, 2013

Mr. & Mrs. John Campanella
5910 Cedar Parkway
Chevy Chase, MD 20815

Dear Mr. & Mrs. Campanella:

Please note that your request to remove the Holly tree located in the rear (west) yard at your property is scheduled before the Board of Managers on Monday, March 18, 2013 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

For your convenience, enclosed please find copies of the Public Hearing Notice and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,

Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village

Enclosures

Chevy Chase Village
Tree Inspection Request Form

Property Address: <u>5910 Cedar Pkwy</u>
Date this form submitted to Village office: <u>9/28/12</u>
Resident Name: <u>K. Campanella</u> Phone: E-mail:
This request initiated by: <input type="checkbox"/> Village office staff. <input checked="" type="checkbox"/> Resident/property owner
<input checked="" type="checkbox"/> Inspect tree(s) ¹ requested for removal -- are any conditions in CCV Code Sec. 17-3(a) met? [\$50/tree fee] <input type="checkbox"/> Inspect trees ¹ on property to determine if a Tree Protection Plan (TPP) is needed for proposed project ² . <input type="checkbox"/> Pursuant to a Village Bldg Permit application ² , prepare TPP for trees ¹ on property [\$250 fee] <input type="checkbox"/> Verify that a TPP has been implemented for Village Building Permit # _____. <input type="checkbox"/> Follow up on an existing TPP -- is it OK to remove TPP? <input type="checkbox"/> Village right-of-way/park <input type="checkbox"/> Other: <small>¹ Show location of tree(s) on a plat or site plan (or on diagram on reverse, but only if plat unavailable). ² Attach full description of proposed project.</small>

Sections below must be completed by Village Arborist:

Tree #1: ☒ Private Property ☐ Village right-of-way
Location: ☒ Rear ☐ Front ☐ Side-L ☒ Side-R
DBH*=~12" Species: Am Holly Tag#: n/a: no tag.
Assessment: Spl. trunk, crown hazardous may remain

Tree #2: ☒ Private Property ☐ Village right-of-way
Location: ☒ Rear ☐ Front ☐ Side-L ☒ Side-R
DBH*=~16" Species: Am Holly Tag#: n/a: no tag.
Assessment: Med Holly

Tree #3: ☐ Private Property ☐ Village right-of-way
Location: ☐ Rear ☐ Front ☐ Side-L ☐ Side-R
DBH*= Species: Tag#: ☐ n/a: no tag.
Assessment:

(For more trees, please check here ☐ and attach pages: # of extra trees ____; # of extra pages ____.)

Arborist assessment: Does tree meet any of the conditions in Village Code 17-3 to qualify for removal?

Removal Approved	Denied	*Is permit required? (i.e., is trunk circumf. $\geq 24"$?)	Y	N
Tree #1 <input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tree #2 <input type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tree #3 <input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

Arborist Signature [Signature]

Date 9/28/12

Diagram for Tree Inspection

(use this diagram *ONLY* if a plat or site survey is unavailable)

Instructions for Arborist (or) Notes from Arborist:

Rear of house

Side-Left

Side-Right

Street

APPEAL
O— #2 (denied)
O— #1 (approved)

Chevy Chase Village Tree Removal Permit Application

Permit No. A-2028

All trees on private property with trunks that measure at least twenty-four (24) inches in circumference (or 7.7 inches in diameter) at four and one-half (4½) feet above ground level require a Village permit to be removed.

Property Address:	5910 Cedar Parkway		
Resident:	Campanella		
Telephone:	301-215-4151		
E-mail:	kcampanella@verizon.net		
Tree Removal Contractor (required):			
Business Name:	MARK PEYTON		
Owner:			
Address:	(CCV has his info)		
Telephone:		Fax:	
E-mail:			
MD Dept. of Natural Resources (DNR) License No. (required):			
For Village office staff use:			
Is this property located within the historic district? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Staff initials <u>ES</u>			
Date application submitted to Village Office: <u>9/27/12</u> Date approved or denied: _____			

Village Code Chapter 17. Urban Forest §17-1 and 17-2. Permit Required.

"No person shall remove or destroy, or cause the removal or destruction, of a tree or undertake any action that will substantially impair the health or growth of a tree without first obtaining a permit from the Village Manager. No permit shall be required for normal and reasonable trimming or other tree care designed to maintain the health, shape, or balance of a tree."

Village Code §17-3. Permit Standards.

The Village Manager may issue a permit *only* if at least one (1) of the following conditions applies:

- The tree is diseased beyond restoration, insect infected beyond restoration, or injured beyond restoration;
- The tree is dead or dying, or is in danger of falling;
- The tree constitutes a hazard to the safety of persons;
- The tree constitutes a hazard and threatens injury to property;
- The tree constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees;
- The tree is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner.

An applicant who is denied a tree removal permit by the Village Manager may appeal that decision to the Board of Managers. Any appeal must be in writing and made within ten (10) days of the permit denial.

Filing Requirements

- Copy of the findings and recommendations report from the Village Arborist.
- This completed application, including the tree contractor's name, phone number and MD-DNR License No.
- Payment of \$50.00 per tree filing fee for a Village Tree Removal Permit application, up to a max. of \$350.

By signing below, I understand that no work may be performed until the Village permit is issued and posted to be visible from the street.

Applicant's Signature: *M. C. [Signature]* Date: 9.27.12

Tree Removal Plans (including reforestation plan, if any)	
<i>Remove 2 Hollies (both approx 30" circum.) from a grouping of 15 trees on right back side of property. Will plant 7 large (7' tall) SKIP LAURELS.</i>	
For Use By Village Manager	Approved with the following conditions:
<div style="position: relative; height: 100px;"> <div style="position: absolute; top: 0; left: 0; right: 0; bottom: 0; background-color: black; color: white; text-align: center; font-size: 40px; font-weight: bold; line-height: 1;">DENIED</div> <div style="position: absolute; top: 50%; left: 50%; transform: translate(-50%, -50%); text-align: center;"> <div style="border: 1px solid black; padding: 5px; display: inline-block;">OCT 02 2012</div> </div> </div>	Denied for the following reasons:
<div style="text-align: center;"> <p>Filing Fee: <i>Check # 4431</i></p> <p>\$50.00/tree x <u>2</u> trees =</p> <p>\$ <u>100</u></p> <p>(up to \$350 max. per application)</p> </div>	<p>Checks Payable to:</p> <p style="text-align: center;">Chevy Chase Village 5906 Connecticut Avenue Chevy Chase, MD 20815</p>
<p>Damage Deposit</p> <p><input type="checkbox"/> \$ _____</p> <p><input type="checkbox"/> Waived by Village Manager.</p>	<p>Village Manager Signature:</p> <p>Date:</p>
<p>Total Fees + Deposit:</p>	<p>Staff Signature:</p> <p>Date:</p>

Chevy Chase Village

Statement of Appeal for Tree Removal Permit

Subject Property: 5910 Cedar Parkway	
Briefly Describe the Proposed Tree Removal (provide additional detail on following pages): Holly will grow to max height of 50 feet. It is located too close to our home and several feet from our deck. It sheds sharp needled leaves onto grass where children and pets play.	
Applicant Name(s) (List all property owners): Campanella	
Daytime telephone: 3012154151	Cell: 2023205008
E-mail: kcampanella@verizon.net	
Address (if different from property address):	
For Village staff use: Date this form received: <u>10/2/12</u> Tree Removal Permit Appeal No: <u>A-2028</u>	

Filing Requirements:

(Application will not be accepted or reviewed until the application is complete.)

- ☒ Completed *Chevy Chase Village Statement of Appeal for Tree Removal Permit* (this form)
- ☒ Denied *Chevy Chase Village Tree Removal Permit Application*
- ☒ *Chevy Chase Village* Tree Inspection Report from Village Arborist
- ☒ Surveys, plats, landscaping plans/specifications, or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc. and the tree(s) sought to be removed.
- ☒ Appeal fee (See fee schedule in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing appeal, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, the Board of Managers, and members of the Village Tree Committee, to enter onto the subject property for the purposes of assessing the site in relation to this appeal. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing statement are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: [Signature]

Date: Oct 2 2012

Applicant's Signature: [Signature]

Date: Oct 2, 2012

Describe the basis for the appeal (attach additional pages as needed)

Describe the reasons why the tree removal would not adversely affect the public health, safety or welfare nor the reasonable use of adjoining properties:

We have more than 50 trees on or adjacent to our property. This is one in a grouping of 15 other trees including hollies, cedars, and spruce. Removing this particular holly will also allow us to install a straight row of ten Laurels along our fence. The laurels are evergreen with flowers in the spring. They grow up to 20 feet high and provide dense screening.

Describe the reasons why the tree removal would not substantially impair the intent and purpose of Chapter 17 of the Chevy Chase Village Code, entitled *Urban Forest*:

See above

Describe whether the tree exhibits any of the following criteria: (i) is diseased beyond restoration, insect infested beyond restoration, or injured beyond restoration; (ii) is dead or dying, or in danger of falling; (iii) constitutes a hazard to the safety of persons; (iv) constitutes a hazard to the safety of property; (v) constitutes a hazard and threatens injury to, or would have a negative effect on the health of other trees; (vi) is injurious to or creates a condition injurious to the health of a person, certified to by a qualified medical practitioner:

The American Holly is too close to our home. It will eventually grow to be 40' - 50' high and is already very close to our back deck.

Describe the reasons for wanting to remove or destroy the tree(s):

See Above

Describe the reasons, if any, cited by residents who are either in favor of or in opposition to the issuance of the requested tree removal permit:

none

If the desired tree clearing is necessary to achieve proposed development, construction or land use otherwise permitted under the Village Code, describe the proposed project and/or land use and any reason(s) why there is no reasonable alternative to the tree removal:

see attached

Describe any proposed reforestation and whether the proposed reforestation includes any trees that meet the Village standards for reforestation (i.e., deciduous hardwood trees that are least 2 ½ inches in caliper at the time of installation and of a species that achieves a mature height of at least 45 feet):

It is not appropriate to have a 45 foot tree in a location so close to my home and certainly not a tree that sheds painful needle leaves. The Laurels grow to 20 feet high, are evergreen, and safe/pain-free.

Describe any hardship that would result if the requested tree removal is denied:

1) impedes planting of the ten laurels (2) restricts use of the backyard

Describe the reasons why preserving the tree(s) is not desirable because of the age, size or outstanding qualities, including uniqueness, rarity or species specimen, of the tree(s):

Again-- painful leaves: will grow to 50' high and is too close to the home and deck

Describe any other relevant matters that you believe would promote fairness and justice in deciding this appeal:

We already care for more than 50 various mature trees, numerous mid-level bushes, large gardens of flowers, and two grass lawns. This is a normal part of appropriate landscaping and maintenance..

In authorizing a Tree Removal Permit as a result of this appeal, the Chevy Chase Village Board of Managers may require such conditions, terms or restrictions as it deems necessary in order to protect the public, health, safety or welfare, the reasonable use of adjoining properties and that will substantially effectuate the purpose and intent of Chapter 17 of the Chevy Chase Village Code.

Appeal Fee: \$250.00	Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Fee Paid: 250.00 Date Paid: 10/2/12	Staff Signature: [Signature] Date: 10/2/12

Kathy & John Campanella
5910 Cedar parkway
Chevy Chase, MD 20815

Chevy Chase Board of Managers
5906 Connecticut Avenue
Chevy Chase, MD 20815
February 5, 2013

Dear Board Members,

The Tree Ordinance Board requested that we replace our holly tree with a 45' canopy tree. We support canopy trees in the village, but history has shown us that mature canopy trees pose a serious hazard to properties along the golf course side of Cedar Parkway.

As weather moves in a northeast pattern across the golf course, it gathers speed and strength until it hits the large canopy trees. Healthy trees are often the most vulnerable as their lush canopies act as sails. **Consequently, canopy trees have caused massive destruction at five neighboring properties along Cedar Parkway:**

- **5912 Cedar Parkway** (see photos)
- **5910 Cedar Parkway** (our property)
- **34 West Kirke** (across the street from us)
- **5906 Cedar Parkway** (see photos)
- **5904 Cedar Parkway** (see photos)

Our home is nestled in a forest of canopy trees (see aerial photos) including a dozen 45'+ Tulip Poplars. The USDA warns, "*Tulip Poplars frequently suffer from wind and storm damage. These falling limbs...can cause significant property damage.*" A limb fell from 5912 Cedar during the Derecho crushing our telephone pole, downing wires, damaging our fences, and destroying a third of our back fence garden plantings.

We propose reforestation with a Nellie Stevens Holly in the southwest corner of the backyard. This fast growing dense variety matures at 25 feet and has dark green foliage year round. **Replacing holly with holly, obviously, has a neutral effect on the canopy.**

We cannot afford to ignore history. As avid gardeners, we are developing an extensive landscape plan for our property and have recently installed twenty laurels. We are striving for lush, beautiful, but most importantly, responsible plantings that will make sense, not just now, but 100 years from now.

Thank you for your consideration,



Kathy M. Campanella

5910 Cedar Parkway: Surrounded by Canopy Trees

South Side along fence



Front



Aerial View (5910 Cedar Pkwy indicated with red dot "A")



From left: 5906, 5908, and 5910 Cedar Parkway

**DAMAGE TO NEIGHBORING HOMES
ALONG WEST SIDE OF CEDAR PARKWAY**

5912 Cedar Parkway



5912 Cedar Parkway



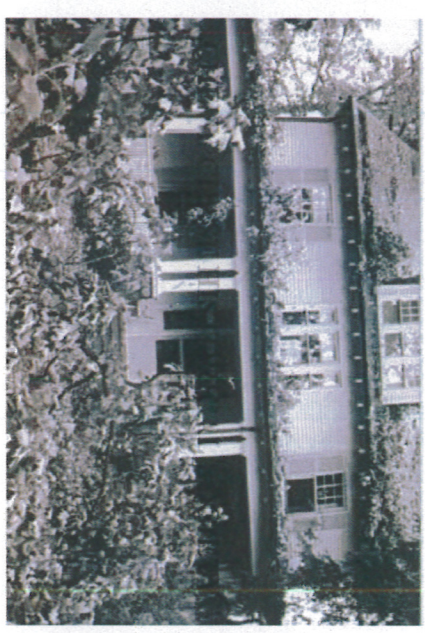
5912 Cedar Parkway



5906 Cedar Parkway



5906 Cedar Parkway



5904 Cedar Parkway

